

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CHARLES J. HURT,)
)
PLAINTIFF,)
)
v.)CASE NO.: 2:05-CV-1241-WKW
)
ALABAMA STATE EMPLOYEES CREDIT UNION,)
)
DEFENDANT.)

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

Comes now the Plaintiff, Charles J. Hurt, and moves the Court for leave to file Plaintiff's First Amendment to Complaint, a copy of which is attached hereto. In support of this motion, Plaintiff avers as follows:

1. The proposed amendment simply corrects an error made when drafting the Complaint. The Complaint should have alleged that Defendant failed to give Plaintiff his employment evaluation due in August 2004, but the Complaint, due to a drafting error, stated August 2005 instead of August 2004.
2. The Uniform Scheduling Order in this case allows the parties to amend their pleadings on or before May 15, 2006, making this motion timely.
3. Rule 15 of the Federal Rules of Civil Procedure provides that the Court will freely give leave to the parties to amend their pleadings when justice so requires.
4. This case is in its early stages, no discovery has been taken, and Defendant will not be prejudiced in any way by this amendment.

DATE: May 4, 2006

/s/ Gerald L. Miller

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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